

REMARKS

The Abstract has been amended such that it does not include implicit phrases and legal claim phraseology.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

The Examiner has rejected claims 1-6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0060975 to Jutte in view of U.S. Patent Application Publication No. 2002/0118427 to Hendriks et al.

The Jutte publication discloses an optical scanning device, in which, in order to scan both a high-density record carrier and a low-density record carrier, separate light sources (1 and 31) are used to generate, alternatively, separate light beams which are respectively focused on the information layer of the respective high-density or low-density record carrier.

The Hendriks et al. publication discloses an optical scanning device, which includes two light sources for alternatively generating light beams having different wavelengths for reading and writing data from/to compact discs (CD's) and digital versatile discs (DVD's). Since CD's and DVD have different thicknesses, by using a diffraction part that is invisible to one of the wavelengths, the same optical system may be used for either disc.

Applicants submit that in both Jutte and Hendriks et al., the light sources are being used alternatively in order to write/read to/from different optical record carriers (e.g., CD and

DVD). However, there is no disclosure of one light source being used to scan the optical disc, while a second light source is being used to measure tilt. This feature is described in the specification on page 5, lines 20-23.

Applicants further submit that while Hendriks et al. discloses the use of a diffractive part, this diffractive part is being used to influence the focusing of one of the light beams on the information layer of the optical disc. In the subject invention, as claimed, the diffractive structure is "arranged between said focusing point and said optical detector, said diffractive structure having diffracting elements for substantially refocusing the returning second beam onto the detector".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believes that this application, containing claims 1-6, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney
Tel.: 914-333-9611